



Entered on Docket
July 24, 2009

A handwritten signature in black ink, appearing to read "Gregg W. Zive", is written over a horizontal line.

Hon. Gregg W. Zive
United States Bankruptcy Judge

WILDE & ASSOCIATES
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The Bank of New York, fka The Bank of New York as Successor in interest to JPMorgan Chase Bank, NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear Stearns AIT-A Trust 2005-4, Mortgage Pass-Through Certificates, Series 2005-4 09-73905

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Luke R. Fitzgerald

Debtor.

BK-N-09-51739-gwz

Date: 7/14/09

Time: 10:00am

Chapter 7

ORDER VACATING AUTOMATIC STAY


IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceedings is granted as to Secured Creditor The Bank of New York, fka The Bank of New York as Successor in interest to JPMorgan Chase Bank, NA as Trustee for Structured

1 Asset Mortgage Investments II Inc. Bear Stearns AIT-A Trust 2005-4, Mortgage Pass-Through
2 Certificates, Series 2005-4, its assignees and/or successors in interest, regarding the subject property
3 described as 7887 Tulear Street , Reno, NV 89506, and legally described as follows:

4 Lot 79 of PEEK PARCEL UNIT 1, PHASE 2, according to the Map thereof, filed in the office
5 of the County Recorder of Washoe County, State of Nevada, on December 2, 2003 as File No.
6 2961191, Tract Map No. 4282.

7 DATED this 15th day of July, 2009.

8
9 Submitted by:
10 **WILDE & ASSOCIATES**

11  #10235
12 _____
13 **Gregory L. Wilde, Esq.**
14 Attorney for Secured Creditor
15 208 South Jones Boulevard
16 Las Vegas, Nevada 89107

17 APPROVED / DISAPPROVED

18 _____
19 **Alan R. Smith**
20 505 Ridge Street
21 Reno, NV 89501
22 Attorney for Debtor(s)

23 APPROVED / DISAPPROVED

24 _____
25 **C. Geoffry Wilson**
26 10580 N. McCarran Blvd
Suite 115-332
Reno, NV 89503
Chapter 7 Trustee

1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 ☐ The court waived the requirements of LR 9021.

4 ☒ No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
and each has approved or disapproved the order, or failed to respond, as indicated below
(list each party and whether the party has approved, disapproved, or failed to respond to the
document):

7 (List Parties)

8 Debtor's counsel:

9 ☐ approved the form of this order ☐ disapproved the form of this order

10 ☐ waived the right to review the order and/or ☒ failed to respond to the document

11 ☐ appeared at the hearing, waived the right to review the order

12 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 ☐ approved the form of this order ☐ disapproved the form of this order

15 ☐ waived the right to review the order and/or ☒ failed to respond to the document

16 Other Party: _____

17 ☐ approved the form of this order ☐ disapproved the form of this order

18 ☐ waived the right to review the order and/or ☐ failed to respond to the document

19 Breach Order:

20 ☐ This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which
22 they have not replied

23
24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor